

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KIM L. VICTOR,

Petitioner,

Case No. 14-14926

v.

Hon. John Corbett O'Meara

PEOPLE OF THE STATE OF MICHIGAN,

Respondent.

**ORDER GRANTING APPLICATION TO
PROCEED WITHOUT PREPAYMENT OF FEES
AND DISMISSING COMPLAINT**

Petitioner Kim L. Victor filed her complaint against the State of Michigan and an application to proceed without prepayment of fees on December 29, 2014. The court finds Petitioner's application to proceed *in forma pauperis* to be facially sufficient and, therefore, grants Petitioner's motion to proceed without prepayment of fees. See 28 U.S.C. § 1915(a); Gibson v. R.G. Smith Co., 915 F.2d 260, 262 (6th Cir. 1990).

Once a court grants a plaintiff permission to proceed *in forma pauperis*, it must review the complaint pursuant to 28 U.S.C. § 1915(e). The court "shall dismiss" the case if the court finds that it is "(i) frivolous or malicious; (ii) fails to state a claim on which relief may be granted; or (iii) seeks monetary relief against a

defendant who is immune from such relief.” 28 U.S.C. § 1915(e)(2)(B).

Petitioner seeks a writ of *coram nobis*, which would serve to vacate her state court conviction rendered in 2008. However, federal district courts “lack jurisdiction to issue writs of *coram nobis* to set aside judgments of state courts.” Finkelstein v. Spitzer, 455 F.3d 131, 134 (2d Cir. 2006) (citing cases). Because the court lacks jurisdiction over Petitioner’s claim, it must dismiss her petition.

IT IS HEREBY ORDERED that Petitioner’s application to proceed without prepayment of fees is GRANTED.

IT IS FURTHER ORDERED that Petitioner’s complaint is DISMISSED.

s/John Corbett O’Meara
United States District Judge

Date: January 14, 2015

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, January 14, 2015, using the ECF system and/or ordinary mail.

s/William Barkholz
Case Manager